



C. Neil Gray
Direct Phone: +1 212 231 2652
Email: cgray@reedsmith.com

Reed Smith LLP
599 Lexington Avenue
New York, NY 10022-7650
Tel +1 212 521 5400
Fax +1 212 521 5450
reedsmith.com

March 21, 2018

Via ECF

Honorable Vernon S. Broderick
United States District Judge
Southern District of New York
Thurgood Marshall United States Courthouse
40 Foley Square, Room 415
New York, New York 10007

Re: Crystallex Int'l Corp. v. The Ba
Case No. 17 Civ. 7024 (VSB)

Dear Judge Broderick:

We represent Respondent The Bank of New York in the above-captioned proceeding. Late yesterday, we were informed by counsel for Petitioner Crystallex International Corporation ("Crystallex") that Crystallex and Proposed Intervenor-Respondent The Ministry of Defense of the Bolivarian Republic of Venezuela (the "Ministry"), without BNYM's involvement, had agreed upon a Stipulation that, among other things, directs the disposition of the funds that are the subject of this proceeding. (A copy of the Stipulation is attached as Exhibit A.) We understand that the Stipulation has been submitted to the Court to be So Ordered.

Because the relief Crystallex and the Ministry request affects and requires action by BNYM, and the Stipulation does not address several issues that necessarily must be resolved in this proceeding (including rights and duties addressed in an earlier stipulation between BNYM and Crystallex [ECF No. 28]), BNYM respectfully requests seven (7) calendar days to submit a letter response to the Stipulation before the Court considers the Stipulation.

We attempted to reach counsel for Crystallex by email and telephone to discuss these issues prior to filing this letter, but counsel did not respond—presumably because of the weather.

Respectfully submitted,

/s/ C. Neil Gray

C. Neil Gray

cc: All Counsel of Record (*Via ECF*)

Application granted in part. Petitioner, Respondent, and Proposed-Intervenor Respondent are instructed to meet and confer and to submit a joint letter on or before March 30, 2018 providing their respective positions with respect to the stipulation entered into between Petitioner and Proposed-Intervenor Respondent, or otherwise to submit a revised stipulation on the agreement of all parties.

SO ORDERED:

HON. VERNON S. BRODERICK 3/22/2018
UNITED STATES DISTRICT JUDGE

Exhibit A
[Stipulation]

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Application of

CRYSTALLEX INTERNATIONAL
CORPORATION,

Petitioner,

For a Judgment Pursuant to Federal Rule of Civil
Procedure 69, and CPLR 5225(b) and 5227, to
Compel Payment of Money and Delivery of
Property,

v.

THE BANK OF NEW YORK MELLON,

Respondent,

and

THE MINISTRY OF DEFENSE OF THE
BOLIVARIAN REPUBLIC OF VENEZUELA,

Proposed Intervenor-
Respondent.

Case No. 17 Civ. 7024 (VSB)

STIPULATION

WHEREAS, Petitioner Crystallex International Corporation ("Petitioner") filed its Petition for Turnover Pursuant to Federal Rule of Civil Procedure 69 and CPLR 5225(b) and 5227 on September 14, 2017 (the "Petition") [ECF No. 1];

WHEREAS, the subject of the Petition is the funds in an account (the "Account") at Respondent The Bank of New York Mellon ("Respondent") in the name of the Republic of Venezuela ("Venezuela");

WHEREAS, Petitioner holds a judgment of approximately \$1.4 billion against Venezuela, which judgment has been registered with the United States District Court for the Southern District of New York;

WHEREAS; Proposed Intervenor The Ministry of Defense of the Bolivarian Republic of Venezuela (the "Ministry") filed a Motion to Intervene and Dismiss the Petition, or Alternatively Transfer Venue, on October 13, 2017 [ECF No. 12], and filed an amended motion on October 16, 2017 (the "Motion") [ECF No. 17];

WHEREAS, the Ministry no longer intends to oppose Crystallex's Petition;

WHEREAS, Respondent has stipulated that it takes no position with respect to the outcome of the Petition [ECF No. 28];

WHEREAS, Huntington Ingalls Industries ("Ingalls") is the other entity known to have claimed a cognizable interest in the funds in the Account in any court;

WHEREAS, Petitioner and Ingalls have entered into a settlement in regards to their respective rights in the Account, pursuant to which Ingalls has agreed, *inter alia*, that should this Court resolve the Petition in Petitioner's favor, Ingalls will seek the vacatur of the Preliminary Injunction;

WHEREAS, Petitioner seeks an order in the instant proceeding granting the Petition subject to the lifting of the Preliminary Injunction in the Mississippi Action; and

WHEREAS, Petitioner and the Ministry, as well as non-party Ingalls, intend to seek the vacatur of the Preliminary Injunction;

NOW THEREFORE IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned attorneys, subject to the approval of the Court, that:

1. The funds in the Account shall be turned over to Petitioner Crystallex in partial satisfaction of its judgment against Venezuela;

2. Such turnover shall be completed immediately upon vacatur of the preliminary injunction currently pending in the United States District Court for the Southern District of Mississippi;

3. Upon completion of the transfer of funds from the Account to Crystallex, the Ministry's Motion shall be withdrawn, and this Petition shall be dismissed with prejudice, with each side to bear its own costs and fees; and

4. This Stipulation may be executed in counterparts; facsimile and PDF signatures shall be deemed originals for all purposes.

Dated: New York, New York
March 17, 2017

GIBSON, DUNN & CRUTCHER, LLP

GST LLP



Robert Weigel
Jason W. Myatt
200 Park Avenue
New York, NY 10166
Tel.: (212) 351-4000
Fax: (212) 351-4035
rweigel@gibsondunn.com
jmyatt@gibsondunn.com

Attorneys for Petitioner



Mauricio Gomm
Rodney Quinn Smith, II (*pro hac* pending)
175 S.W. 7th Street, Suite 2110
Miami, Florida 33130
Tel.: (305) 856-7723
Fax.: (786) 220-8265
mauricio.gomm@gstllp.com
quinn.smith@gstllp.com

Attorneys for The Ministry

SO ORDERED:

Vernon S. Broderick
United States District Judge

Date: _____